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Enterprise Holdings, LLC and Defendant Assured Real Estate, LLC*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BASIC WATER COMPANY SPE 1 LLC, a
Nevada limited liability company,

Plaintiff,

vs.

SOUTH WEST ENTERPRISE HOLDINGS,
LLC, a Nevada limited-liability company;
ASSURED REAL ESTATE, INC., a Nevada
corporation,

Defendants.

Case No.: 2:21-cv-01663-RFB-DJA

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND DEADLINES
TO RESPOND TO BASIC WATER
PARTIES' PENDING MOTIONS [ECF
NOS. 4, 5, AND 9]**

[THIRD REQUEST]

SOUTH WEST ENTERPRISE HOLDINGS,
LLC, a Nevada limited-liability company,

Counter-claimant,

vs.

BASIC WATER COMPANY SPE 1 LLC, a
Nevada limited-liability company; THE
LANDWELL COMPANY, L.P., a Delaware
limited partnership; BASIC WATER
COMPANY, LLC, a Nevada limited-liability
company; BASIC REMEDIATION COMPANY,
LLC, a Nevada limited-liability company; BASIC
MANAGEMENT, INC., a Nevada corporation;
UNITED STATES OF AMERICA, and DOES I-
X.

Counter-defendants.

Defendant/Counter-claimant South West Enterprise Holdings, LLC, Defendant Assured Real Estate, Inc., Plaintiff/Counter-defendant Basic Water Company SPE 1, LLC, Counter-defendant The LandWell Company, L.P., Counter-defendant Basic Water Company, Inc., Counter-defendant Basic Remediation Company, LLC, Counter-defendant Basic Management Inc., and Counter-defendant United States of America, by and through their undersigned counsel,¹ hereby stipulate and agree, subject to this Court's approval, to extend the deadlines to file responses to the Basic Water parties' pending dispositive motions by another 14 days, or from their current deadline of November 2, 2021, to November 16, 2021. The motions at issues are the Motion to Dismiss Third Amended Counterclaims for Business Disparagement, Trade Libel, Tortious Interference with Contract, and Civil Conspiracy (ECF No. 4), Motion for Partial Summary Judgment (Liability) for Trespass and Nuisance (ECF No. 5), and Motion for Partial Summary Judgment on South West Enterprise Holdings, LLC's Counterclaim for Slander of Title (First Counterclaim for Relief) (ECF No. 9). This is the third request to extend these deadlines.

As set forth below, good cause exists to extend the above-referenced deadlines. Presently before this Court are three dispositive motions filed by the Basic Water parties. In order to streamline briefing on the dispositive motions, the parties previously agreed to consolidate the response deadlines to the same date, or to October 12, 2021, which this Court allowed. (ECF No. 13.) Thereafter, the United States indicated an intent to file a motion to dismiss or other request seeking dismissal with prejudice from this action. Based on the United States' position, South West believed that additional time to file responses to the pending dispositive motions was prudent to conserve the parties' and the Court's resources. As such, all parties agreed to extend the response deadlines to November 2, 2021, which this Court allowed. (ECF No. 17.)

On October 15, 2021, the United States filed its Motion to Dismiss asserting sovereign immunity and that the Quiet Title Act does not apply to this litigation such that "[t]his Court should dismiss the United States from this action." (ECF No. 19, at 1:12-17.) Responses to the United States' Motion to Dismiss are due October 29, 2021, and any reply would be due on November 5,

¹ Agreement to this Stipulation shall not be construed as a parties' concession that this Court has jurisdiction over this action. The parties expressly reserve their rights to make such argument in any motion seeking remand or dismissal.

2021. The United States' Motion to Dismiss concerns jurisdictional issues, thus South West requests that briefing be completed on that Motion to Dismiss before having to address the issues within Basic Water's pending dispositive motions. As such, South West believes another short 14-day extension of the response deadline is appropriate. All parties are in agreement to the extension. This stipulation is submitted in good faith, is not interposed for delay, and is not filed for an improper purpose.

Based on the forgoing, the parties submit that good cause exists to grant this stipulation to extend the deadlines to respond to the above-referenced motions from November 2, 2021, to November 16, 2021.

Dated this 26th day of October, 2021.

RICE REUTHER SULLIVAN & CARROLL,
LLP

By: /s/ Anthony J. DiRaimondo
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*Attorneys for Basic Water Company SPE I
LLC, The LandWell Company, L.P., Basic
Water Company, Inc., Basic Remediation
Company, LLC, and Basic Management Inc.*

Dated this 26th day of October, 2021.

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*Attorneys for South West Enterprise Holdings
LLC and Assured Real Estate, Inc.*

IT IS SO ORDERED:



RICHARD F. BOULWARE, II
United States District Judge

DATED this 31st day of October, 2021.

1 Dated this 26th day of October, 2021.

2 UNITED STATES ATTORNEY'S OFFICE

3 By: /s/ Rachel Kent

4 CHRISTOPHER CHIOU, ESQ.

5 Acting United States Attorney

6 District of Nevada

7 RACHEL KENT, ESQ

8 Assistant United States Attorney

9 501 Las Vegas Blvd. So., Suite 1100

10 Las Vegas, Nevada 89101

11 *Attorneys for United States of America*

12 **ORDER**

13 **IT IS SO ORDERED.**

14 UNITED STATES MAGISTRATE JUDGE

15 DATED: _____